

In the Matter of Merchant Mariner's Document No. Z-531753-D2 and
all other Licenses, Certificates and Documents
Issued to: SERVANDO SANTOS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

799

SERVANDO SANTOS

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 27 July 1954, an Examiner of the United States Coast Guard at San Francisco, California, suspended Merchant Mariner's Document No. Z-531753-D2 issued to Servando Santos upon finding him guilty of misconduct based upon eight specifications alleging in substance that while serving as a wiper on board the American M/V JUMPER HITCH under authority of the document above described, between 14 September 1953 and 1 April 1954, he failed to perform his duties on eight separate dates and he failed to join his vessel on three different occasions.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by counsel of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and each specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and Appellant made a statement to the effect that these offenses resulted from too much drinking by Appellant during the period when the offenses occurred.

At the conclusion of the hearing, having heard the argument of the Investigating Officer, the Examiner announced his findings and concluded that the charge had been proved by plea to the eight specifications. He then entered the order suspending Appellant's Merchant Mariner's Document No. Z-531753-D2, and all other licenses, certificates and documents issued to this Appellant by the United States Coast Guard or its predecessor authority, for a period of four months.

From that order, this appeal has been taken, and it is urged

that the order is unduly harsh and should be reduced for this reason and for others which may appear in the record.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

Between 14 September 1953 and 1 April 1954, Appellant was serving as a wiper on the American M/V JUMPER HITCH and acting under authority of his Merchant Mariner's Document No. Z-531753-D2 while the ship was on a shuttle run between Japanese and Korean ports.

On 14 September 1953, Appellant failed to perform his regularly assigned duties. At 1800 on this date, Appellant failed to join his ship at Nagoya, Japan.

Appellant rejoined his ship on 15 September and failed to perform his regularly assigned duties on 16 September.

On 11 November, Appellant failed to join his ship at Tokayuma, Japan. Appellant returned to the ship at Kure, Japan, on 21 November and failed to perform his duties on 7, 8 and 9 December 1953, on 26 February 1954, and on 1 and 2 March 1954.

On 31 March 1954, Appellant failed to join his ship at Yokohama, Japan.

Appellant has been going to sea on American ships since 1944. His prior disciplinary record consists of a probationary suspension in 1951 for absence without leave, intoxication and failure to join his ship.

OPINION

This appeal is simply a plea for mitigation of the four month outright suspension. In view of the facts set forth above and Appellant's prior record of an offense of this same nature, it is my opinion that the order imposed by the Examiner is not excessive. During a period of less than seven months, Appellant was absent from his ship or otherwise failed to perform his duties on approximately twenty different days. The order of the Examiner will be sustained.

ORDER

The order of the Examiner dated at San Francisco, California, on 27 July 1954 is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 26th day of April, 1955.